



STATE OF NEWJERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR:
REVOCATION OF THE CERTIFICATE OF

KISHA RUFF, CHHA

Certificate No. 26NH00206400

:

ADMINISTRATIVE ACTION

:

FINAL ORDER OF
DISCIPLINE

:

TO PRACTICE AS A HOMEMAKER-HOME
HEALTH AIDE IN THE STATE OF NEW
JERSEY

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kisha Ruff ("Respondent") is the holder of certificate number 26NH00206400 and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on May 2, 2013 by the Mercer County Prosecutor's Office for violation of one count of N.J.S.A. 2C:35-10(a)(1), Possession of a Controlled Dangerous Substance of Analog, one count of N.J.S.A. 2C:33-29(a), Gang Criminality, three counts of N.J.S.A. 2C:35:5(a)(1), Manufacture/Distribute a Controlled Dangerous Substance, and N.J.S.A. 2C:35-10(a)(3), Possession of

Marijuana/Hash Over, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Newark, New Jersey, via regular and certified mail on or about August 7, 2013. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed."

3. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct in violation of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h) for failure to comply with a regulation administered by the Board.

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a two hundred dollar (\$200) civil penalty was entered on February 28, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent

requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent partially responded to the Provisional Order of Discipline by providing a Judgment of Conviction showing that Respondent pled guilty to charges of violating N.J.S.A. 2C:5-2 (Conspiracy) and N.J.S.A. 2C:35-5A(1) (Poss/Dist/Manufacturing/Dispensing of CDS), was sentenced to 18 months of probation, assessed \$155 in fees and penalties, and all other charges were dismissed. Respondent failed to provide any other information requested in the Board's original letter of inquiry, such as a copies of the police report with supporting statements, municipal court complaint, indictment, accusation, plea agreement, proof of payment of fines, proof of compliance with probation, name of current employer, address of current employer, job title, dates of employment, shift, type of unit worked, most recent job performance evaluation, and a narrative of Respondent's version of the conduct and events which led to her arrest.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that

the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent failed to provide the bulk of information originally requested, the Board determined that suspension is warranted. Similarly, the Board determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, and review of Respondent's paltry reply months later, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 21 day of November, 2014

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment.

Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The Board reserves the right to initiate disciplinary proceedings based upon Respondent's conviction, any information ultimately received from Respondent in reply to the Board's letter of inquiry, or any new information received from any other source.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN
Patricia Murphy, PhD, APN
President